

CITY OF CONCORD  
POLES AND WIRES COMMITTEE

**MEETING MINUTES**

FEBRUARY 5, 2010 – 2:00 PM

Conference area adjacent to the office of the Deputy City Manager – Development on the 2<sup>nd</sup> floor of City Hall, 41 Green Street.

**CALL TO ORDER**

Ed Roberge called the meeting to order and briefly outlined the agenda.

**ATTENDEES**

Ed Roberge, City Engineer  
Chip Chesley, General Services Director  
Douglas Woodward, Planning Director  
Paul Gendron, City Surveyor  
Kathryn Temchack, Director of Real Estate Assessments  
Jim Kennedy, Deputy City Solicitor

**APPROVAL OF 10/16/09 MEETING MINUTES**

Ed Roberge moved to approve the 10/16/09 Poles and Wires Committee meeting minutes. Doug Woodward seconds the motion. After brief concurrence the motion to approve the minutes was unanimously approved.

**APPLICATIONS**

1. Fairpoint Communications LLC and Unitil Energy Systems, Request for Licensure of ten (10) new poles on Clinton Street, all within a City Right-of-Way.  
Clinton Street

Paul Gendron explained that the application is for ten new poles on Clinton Street that were installed in conjunction with the construction of Langley Parkway and the re-construction of Clinton Street.

2. Fairpoint Communications LLC and Unitil Energy Systems, Request for Licensure of one (1) replacement pole and one (1) new pole on Canterbury Road, both within a City Right-of-Way.  
Canterbury Road

Paul Gendron explained that the application is for one replacement pole and one support pole in conjunction with the Wellington and Robinson subdivision. He indicated that the support pole was actually located on private property and that therefore the City would not be licensing it. The license will contain a statement to that effect. A brief discussion ensued as to whether the subdivision application had lapsed. Doug Woodward reviewed the subdivision file and determined that it had not lapsed.

3. Fairpoint Communications LLC and Unitil Energy Systems, Request for Licensure of one (1) replacement pole on Marion Street within a City Right-of-Way.  
Marion Street

Paul Gendron explained that this application, application # 5, and application # 7 were for replacement poles in the same neighborhood, that being Marion Street, Cherry Street, and a portion of Airport Road. He indicated that no new development or reconstruction has occurred in the vicinity of these poles, and that the age of the poles probably necessitated their replacement.

4. Fairpoint Communications LLC and Unitil Energy Systems, Request for Licensure of one (1) replacement pole and one (1) new stub pole on Airport Road, and one (1) new pole on Old Turnpike Road, all within a City Right-of-Way.  
Airport Road and Old Turnpike Road

Paul Gendron explained that the application is for new poles near the intersection of Airport Road, Old Turnpike Road, and Regional Drive and were installed in conjunction with the reconstruction of the intersection.

5. Fairpoint Communications LLC and Unitil Energy Systems, Request for Licensure of two (2) replacement poles on Marion Street, both within a City Right-of-Way.  
Marion Street

Paul Gendron referred to the discussion for application # 3.

6. Fairpoint Communications LLC and Unitil Energy Systems, Request for Licensure of three (3) new poles on Birchdale Road, all within a City Right-of-Way.  
Birchdale Road

Paul Gendron explained that the application is for three new poles on Birchdale Road in conjunction with the resubdivision of the Beretta parcels.

7. Fairpoint Communications LLC and Unitil Energy Systems, Request for Licensure of thirteen (13) replacement poles, five (5) on Airport Road and eight (8) on Cherry Street, all within a City Right-of-Way.  
Airport Road and Cherry Street

Paul Gendron referred to the discussion for application # 3.

8. Fairpoint Communications LLC, Request for Licensure of six (6) new pedestals, three (3) on Groton Drive and three (3) on Bainbridge Drive, all within a City Right-of-Way.  
Groton Drive and Bainbridge Drive

Paul Gendron explained that the application is for six new pedestals within the East Ridge Estates subdivision. He indicated that all of the pedestals are located on private property and therefore the City would not be licensing them. The license will contain a statement to that effect.

9. Unitil Energy Systems and Fairpoint New England, Inc., Request for Licensure of three (3) pole relocations on Centre Street, all within a City Right-of-Way.  
Centre Street

Paul Gendron explained that the application is for three poles relocated as part of the construction of the Centre Street, Auburn Street, and Liberty Street roundabout.

10. Unitil Energy Systems and Fairpoint New England, Inc., Request for Licensure of four (4) pole relocations on North State Street, all within a City Right-of-Way.  
North State Street

Paul Gendron explained that the application is for four poles relocated as part of the North State Street reconstruction and the construction of the Franklin Street roundabout.

11. Unitil Energy Systems and Fairpoint New England, Inc., Request for Licensure of one (1) new pole on Washington Street, Concord, within a City Right-of-Way.  
Washington Street

Paul Gendron explained that the application is for a pole relocated as part of the North State Street reconstruction.

12. Northern New England Telephone Operations, LLC, Request for Licensure of six (6) new pedestals on Groton Drive and Bainbridge Drive, within a City Right-of-Way.  
Groton Drive and Bainbridge Drive

Paul Gendron indicated that this application was a duplicate of application # 8.

Chip Chesley made a motion to accept Paul Gendron's recommendation that applications # 1 through # 7 be granted. Seconded by Doug Woodward and all concurred.

Chip Chesley made a motion to accept Paul Gendron's recommendation that application # 8 not be granted. Seconded by Ed Roberge and all concurred.

Chip Chesley made a motion to accept Paul Gendron's recommendation that applications # 9 through # 11 be granted. Seconded by Ed Roberge and all concurred.

13. Bayring Communications LLC, request attachments to and utilization of existing poles and underground conduit, all within a City Right-of-Way.  
Various Streets

Paul Gendron explained that the application is for fiber optic for Concord Hospital and actually begins in the vicinity of the Epsom traffic circle. He then described the proposed route of the fiber as it enters the City on Loudon Road near the town line, then goes along Old Dover Road, across NH Route 106 and then Interstate 393 to Loudon Road, to East Side Drive, to Portsmouth Street, to Eastman Street, to Carpenter Street, across Interstate 93 and the private Foundry property, to West Portsmouth Street, across the Merrimack River, to the discontinued portion of Commercial Street, to the accepted portion of Commercial Street, to underground conduit within Commercial Street, then back onto poles at Horseshoe Pond Lane, to Penacook Street, to Rumford Street, to Pleasant Street, to South Spring Street, to Lincoln Street, to South Street, and finally to Fayette Street. Kathryn Temchack stated she needs the length of attachments within City maintained right-of-way for taxing purposes.

Ed Roberge made a motion to accept Paul Gendron's recommendation that application # 13 be granted with the following conditions:

1. Bayring Communications shall file a full report with the City's Engineering Services Division outlining the work completed on this project on April 1, 2010.
2. Bayring Communications shall file a full report with the City's Engineering Services Division when the entire system is complete.

3. Bayring Communications shall file with the City's Engineering Services Division a copy of all pole attachment agreements it executes with the owners of the poles and conduit it is attaching to.

Seconded by Doug Woodward and all concurred.

### **NEW BUSINESS**

Ed Roberge explained to Kathryn Temchack that other CLECs had erected overhead wires within the City for the benefit of Concord Hospital and asked her if she was aware of this. She answered in the negative. Ed Roberge mentioned the line from the hospital to the old Hitchcock Clinic; from the hospital to the VNA (Visiting Nurses Association) at 30 Pillsbury Street; and from the hospital to Commercial Street. Doug Woodward mentioned the infrastructure between Havenwood and Heritage Heights. A brief discussion also ensued regarding the Tennessee Gas line that traverses the City. The Engineering Services Division will assist in pulling this information together for Kathryn Temchack.

### **OLD BUSINESS**

#### **1. Status of NHMA Utility Pole License Review.**

Paul Gendron explained that the draft petition, license, and municipal attachment review by the NHMA / NHLGC committee was now complete and that the last meeting occurred on January 15, 2010. He indicated that the PUCs review of their administrative rules related to pole attachments was also complete. He indicated that the feeling of the NHMA committee was that draft municipal attachment was a lawsuit waiting to happen. He indicated that the PUC rules were approved while disregarding 100 years of history between the utilities and municipalities, in which conditions were attached to the erection of poles within public rights-of-way, where municipal space was reserved. Chip Chesley moved that Jim Howard be presented with these minutes as soon as they were completed so that he was aware of these developments at the NHMA and the PUC. All concurred.

### **NEXT MEETING**

The next scheduled meeting is May 21, 2010, 2:00 PM, in the second floor conference room.

### **ADJOURNMENT**

There being no further items to discuss, the meeting adjourned.